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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 CHARLES JEFFREY DAVIS,

7 Petitioner,

8 v.

9 MARGARET GILBERT,

10 Respondent.

Case No. 3:17-cv-05665-RBL-TLF

**REPORT AND  
RECOMMENDATION**  
**Noted For: December 29, 2017**

11 On August 23, 2017, Petitioner Charles Jeffrey Davis filed a motion for leave to proceed *in*  
12 *forma pauperis* (IFP) together with a proposed petition for a writ of habeas corpus. Dkt. 1. In  
13 response to an order to show cause, Mr. Davis paid the \$5.00 filing fee on September 29, 2017  
14 (Receipt No. T-14818). Because Mr. Davis has paid the filing fee, the Court should deny the IFP  
15 application.

16 **DISCUSSION**

17 A district court may permit indigent litigants to proceed IFP upon completion of a proper  
18 affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in  
19 denying an IFP application. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375  
20 U.S. 845 (1963). Mr. Davis paid the \$5.00 filing fee on September 29, 2017, and therefore, his  
21 IFP application is moot. The undersigned recommends that the Court deny Mr. Davis's IFP  
22 application (Dkt. 1).

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have  
2 fourteen (14) days from service of this Report and Recommendation to file written objections  
3 thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
4 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time  
5 limit imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **December**  
6 **29, 2017**, as noted in the caption.

7 Dated this 12th day of December, 2017.

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11 Theresa L. Fricke  
12 United States Magistrate Judge  
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